

Appl. No. 09/482,691
Atty. Docket No. 6553D
Amdt. dated June 27, 2003
Reply to Office Action of January 27, 2003

REMARKS

Claims 21-23, 25-27, 32-34 and 61-67 are now in the case.

Applicants appreciate and acknowledge the mention by the Examiner that claims 27 and 32-34 are allowed.

Applicants have amended independent claim 21 to claim the feature of an attachment layer for releasably attaching the cleaning pad to the handle, wherein the attachment layer is essentially fluid impervious.

This amendment is supported by the specification, claims and drawings as filed (see, page 18, lines 16-19).

Rejection under 35 U.S.C. § 103

Claims 21-23, 25, 26 and 61-67 have been rejected under 35 U.S.C. § 103(a) as being obvious over Kresse '920 in view of Nichols '255.

Applicants respectfully traverse the rejections in view of the following remarks which apply both to the rejections of claim 61 and claim 21.

Paragraph 2 of the office action states that "'920 discloses the invention has claimed with the exception of the pad having multiple widths in the z-direction. The patent to Nichols discloses a mop pad ... which has a lower surface defining the recited multiple widths in the z-direction. It would have been obvious to one of ordinary skill in the art to have modified the shape/configuration of the mop pad of '920 as such as to present a smaller surface area to the surface to be cleaned."

Applicants respectfully disagree.

Applicants remind the Examiner that it is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." (Emphasis supplied) *In re Vaack*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

Applicants submit that the term "superabsorbant material" is well defined in the written disclosure of the present application. "As used herein, the term "superabsorbent material" means any absorbent material having a g/g capacity for water of at least about 15 g/g, when measured under a confining pressure of 0.3 psi." (See page 10, line 4-6)

Applicants note that Kresse et al. disclose that "the sponge cloth material has a very high water absorption capacity of at least 600% and, typically, of approximately 1400% of its own

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weight.” (See page 5, line 1) However, Applicants also note that Kresse et al. do not disclose under what conditions (in particular pressure), these values of absorption capacity have been obtained.

It is therefore Applicants’ position that the ‘920 reference would not have enabled one of ordinary skill in the art to make a cleaning pad having an absorbent layer comprising a superabsorbant material. Consequently, it is Applicants’ position that Kresse et al. does not qualify as prior art.

Assuming, *arguendo*, that the ‘920 reference would have had enabled one of ordinary skill in the art to make a cleaning pad with an absorbent layer having a high absorbent capacity, Applicants submit that, as best understood by Applicants, a material capable of absorbing 100% of its own weight might be compared to a material capable of absorbing 1 gram of water for 1 gram of material. Similarly, a material capable of absorbing 200% of its own weight might be compared to a material capable of absorbing 2 grams of water for 1 gram of material (and 300% compared to 3 g/g etc.).

Applicants note that the maximum absorption capacity disclosed by Kresse et al. is 1400% which, by way of the same reasoning might be compared to a material capable of absorbing 14 g/g.

As previously discussed, the term “superabsorbant material” means any absorbent material having a g/g capacity for water of at least about 15 g/g, when measured under a confining pressure of 0.3 psi. Consequently, it is Applicants’ position that Kresse et al. do not teach or suggest a disposable cleaning pad comprising a superabsorbant as claimed and described in the present application.

Moreover, Applicants note that on several occasions, Kresse et al. refer to “flat mopping devices” carrying a “mopping insert consisting essentially of a sponge cloth, resting on the entire surface of the holder.” (See page 2, line 3, page 3, lines 8-10 and Figs. 1, 2 and 3). As best understood by applicants, the cleaning device of Kresse et al. seeks to provide the increased cleaning efficiency by maximizing the contact surface between the mopping insert and the surface to be cleaned.

Contrary to the office action’s assertion that it would have been obvious to one of ordinary skill in the art to have modified the shape/configuration of the mop pad of ‘920 to present a smaller surface area to the surface being cleaned, it is Applicants’ position, that ‘920 teaches away from Nichols.

In addition, Applicants respectfully the following remarks directed to the rejection of claim 21.

Applicants note that independent claim 1 of U.S. patent application Serial No. 09/456,968 (hereinafter the ‘968 patent application) to Holt et al., filed 12/07/1999 and assigned to The Procter & Gamble Company, has been allowed on 03/04/2003 following the a decision of the Board of Patent

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App als and Interferences rendered on October 31, 2002, (a copy of which has been submitted on January 9, 2003).

Claim 1 of the '968 patent application reads as follows:

- "1. A cleaning implement comprising:
- a. a handle; and
 - b. a removable cleaning pad comprising:
 - i. a scrubbing layer;
 - ii. an absorbent layer in direct fluid communication with the scrubbing layer, wherein the absorbent layer comprises a superabsorbent material; and
 - iii. an attachment layer for releasably attaching the cleaning pad to the handle."

Applicants respectfully submit that claim 21 of the present patent application, when compared to allowed claim 1 of the '968 patent application, claims the additional features of a disposable and removable cleaning pad having multiple widths in the z-dimension and wherein the attachment layer of the pad is essentially fluid impervious.

It is Applicants' position that since the scope of allowed claim 1 of the '968 patent application is broader than the scope of now pending claim 21 of the present application, claim 21 should also be allowed.

Reconsideration and withdrawal of the rejections of claims 21-23, 25, 26 and 61-67 are therefore respectfully requested.

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
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